THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1492 of 2007

06.2.2007

Between:

Smt.B.Sreedevi, W/o.B.Balraj
And others

... Petitioners

AND

The Principal Secretary to Government of Andhra Pradesh, Revenue Department (UC.II), Secretariat, Hyderabad
And others

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

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ORDER:

The four petitioners statedly purchased flats constructed in premises bearing MCH No.12-13-1185, Street No.10, Tarnaka, from M/s.AVN Cosntructions represented by K.Mukkanteswara Rao. They entered into agreements in respect of Flat Nos.201 (by first petitioner), 202 (by second petitioner), 402 (by third petitioner) and 401 (by fourth petitioner). They allege that as the builder did not complete construction in all respects, they took possession of the same, spent moneys and make them habitable. The first petitioner also obtained telephone connection and staying in the flat. When the third respondent claimed that it is Government property, the petitioners filed applications seeking allotment/ regularization, as per the orders of the Government in G.O.Ms.No.455, dated 29.7.2002. These applications are still pending. In the meanwhile, petitioners allege that respondents 2 and 3 came to the premises and highhandedly removed the household articles and made attempts to dispossess the petitioners, aggrieved by which the present writ petition is filed. The petitioners seek a direction to the respondents to remove the locks and also regularize their occupation.

After getting instructions, learned Assistant Government Pleader for Revenue (ULC) submits that one C.K.Govinda Rao filed a declaration under Section 6 of the Urban Land (Ceiling and Regulation) Act, 1976 (the ULC Act, for brevity) in respect of the vacant land comprising in

survey No.149/8/2 of Lallaguda village. He was declared to be surplus holder of 5392 Sq.Meters. After completing formalities, fourth respondent took possession of the land on 17.1.1992. In the meanwhile, one Rajaiah filed objections claiming to be protected tenant in respect of the subject land. It is also alleged that Rajaiah entered into development agreement with M/s.AVN Constructions, who sold the flats to the petitioners. Learned Assistant Government Pleader also submits that the petitioners have no right nor acquired the property under registered sale deeds and, therefore, the applications were not considered by the Special Officer, though applications of eight of the flat owners were considered. He also submits that the Special Officer has sent a report to the first respondent on 02.9.2006 and the matter is pending before the first respondent for consideration.

There is no dispute that the applications made by the petitioners under G.O.Ms.No.455, dated 29.7.2002, were enquired into and the fourth respondent has already submitted a report to the first respondent. Therefore, it is for the first respondent to pass appropriate orders as to whether the occupation of the petitioners should be regularized by duly allotting the property in their favour or not. Pending consideration of such applications, if there is any dispossession of the petitioners, the orders that might be passed by the Government, in their favour, would become futile. Learned Assistant Government Pleader, however, submits that the petitioners are not in possession, a perusal of the D.O. letter dated 08.12.2006 addressed by the second respondent to the first respondent would *prima facie* disclose that the petitioners were in possession at least as on that day. Therefore, it would be in the interest of both the parties to order *status quo* as on today. The first respondent is also directed to dispose of the applications made by the petitioners under G.O.Ms.No.455, dated 29.7.2002, within a period of ten (10) days from the date of receipt of a copy of this order.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

(**V.V.S.RAO,J**)

February 06, 2007.

NOTE:
Dispatch order copy by
08.2.2007.
(By order)
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